

CUSTOMER NO.: 24498

Serial No.: 10/031,151

Final Office Action dated: May 15, 2007

Advisory Action dated: August 22, 2007

Response dated: September 25, 2007

PATENT

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REMARKS

The Advisory Action mailed August 22, 2007 has been reviewed and carefully considered. No new matter has been added.

Claims 1, 5, 12, 17, and 20 have been amended.

Claims 1-15 and 17-20 are pending.

Claims 1-4, 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0079227 to Knowles (hereinafter "Knowles"), in view of United States Patent No. 6,519,412 to Kim (hereinafter "Kim"). Claims 5, 8, 9, and 12-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Knowles. Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles in view of Kim, as applied to claims 1 and 5, and further in view of United States Patent No. 6,104,908 to Kim (hereinafter "Schaffner").

The independent claims in the case are Claims 1, 5, and 12.

It is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest, *inter alia*, the following limitations of amended Claim 1:

a memory for storing a first password associated with a first programming provider that **directly delivers programming to the apparatus via a first transmission media;**

removable memory storing a second password associated with a second programming provider that **directly delivers programming to the apparatus via a second transmission media distinct from the first transmission media;**

Moreover, it is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest, *inter alia*, the following limitations of amended Claim 5: "if said access card is coupled to the integrated television system, processing a first password received from said access card to access **programming directly delivered by said multiple programming providers to the integrated television system via different transmission media such that each of the multiple programming providers uses a respective different**

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one of the different transmission media to directly deliver the programming to the integrated television system".

Further, it is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest, *inter alia*, the following limitations of amended Claim 12: "a receiver configurable to **directly** receive programming from first and second programming providers via a first transmission media and a second transmission media distinct from the first transmission media, respectively".

Support for the preceding amendments to Claims 1, 5, and 12 (as well as 17) may be found at least at Figure 1 of the Applicants' specification and the corresponding text (see, e.g., page 3, lines 5-12 of the Applicants' specification).

In the advisory action, the Examiner asserts in paragraphs 1-2 that Knowles discloses the features of: passwords for accessing multiple programming providers; and a second programming provider that delivers programming to the apparatus via a second transmission media distinct from the first transmission media. Applicants respectfully submit that for the reasons discussed below, and in the response filed on July 20, 2007, the Examiner has incorrectly interpreted the teachings of Knowles to reach these conclusions. Thus, setting aside the merits of paragraphs 3-5 in the advisory action for the moment, and without conceding any argument with respect to those paragraphs, applicants submit that the present claims are patentable over the suggested combination of references for at least the reasons discussed with respect to paragraphs 1-2.

First, applicants respectfully submit that the Examiner continues to misinterpret the term "sources" as used by Knowles. It appears that the examiners interpreting the term to refer to a source of programming in this sense of a programming provider. That is not the meaning of the term as used by Knowles. Rather, the term "source" refers to a stream of programming provided by a set-top box. See paragraph 0069. Knowles specifically states, "Multiple MPEG streams are delivered to multiple TV sets throughout a house, with each stream (or "source") modulated to a different channel. In one embodiment, a multiple IPG system provides independent instances of the IPG, one for each source. In a preferred embodiment, the system

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provides interdependent IPGs, one for each source." See also paragraph 73, which states "set-top box permits multiple **MPEG streams (sources)** to be simultaneously delivered and distributed throughout a household (for simplicity reasons, a three source setup boxes is discussed, however, the invention is easily extendable to several source setup boxes). These streams are each modulated to a different channel, so any of the multiple streams may be viewed at a given location. Independent IPG's, one for each source are provided." (emphasis added)

Each of the above cited portions of Knowles unequivocally make clear that the term "source" refers to an MPEG stream **provided by** the set-top box. They do not refer to a source of programming that provides programming to the set-top box, that is, they do not refer to a programming provider, as recited in the claims, which provides the input to the set-top box.

This reading is consistent with the remaining portions of the system taught by Knowles. Knowles addresses the problem of providing multiple interactive programming guides in a system having multiple display devices connected to a source of programming (the set top box). Prior art systems required that a separate set-top box be provided with each display device in order to be able to provide a program guide for that display device. However Knowles recognizes that it would be cost-efficient to provide a single set-top box that would be capable of providing multiple interactive programming guides, each of which may be associated with a specific display device or the user. See for example paragraph 4. To address this problem Knowles provides a system wherein a single set-top box can provide multiple MPEG streams ("sources"), and each stream, or source, provided by the set-top box can have its own IPG associated with it. In this arrangement, Knowles clearly does not disclose or suggest multiple independent IPG's associated with multiple programming providers as recited by the present claims. Rather, Knowles teaches multiple independent IPG's associated with multiple programming streams provided by a single set-top box.

The Examiner asserts in paragraph 1 of the advisory action that, "Knowles explicitly discloses multiple independent IPGs, with their corresponding set of passwords, being associated with multiple sources of programming (paragraphs 0072-0074)." A close reading of Knowles and the cited paragraphs, which are mentioned above, reveals that the multiple sources

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of programming mentioned in Knowles is completely distinguishable from the programming provider recited in the present claims. The Examiner also asserts in paragraph 1 that "Knowles further discloses that the IPGs are particular to each source." Here, although the statement may be literally true, Applicants reiterate that the term "source" as interpreted by the Examiner is in fact used differently by Knowles. Therefore, applicants respectfully submit that Knowles in fact fails to disclose or suggest passwords for accessing multiple programming providers as recited in the present claims.

The Examiner continues to misapply the term "source" in paragraph 2 of the advisory action, stating that, "Knowles explicitly discloses multiple sources of programming (paragraph 0073) where each IPG is particular to each source of programming. It is obvious to one of ordinary skill in the art that Cox cable and direct TV utilize different and distinct transmission mediums." Once again, the Examiner has reached the incorrect conclusion based on the misinterpretation of the term "sources" in Knowles. As discussed above, the term sources refers to an MPEG stream that is provided by a set-top box to a display device, not to a programming provider, and Knowles does not provide any connection between the term sources and programming providers such as Cox cable and direct TV.

The Examiner further mentions that "Knowles further discloses that multiple MPEG streams are delivered to multiple TV sets throughout the house, with each stream ("source") modulated to a different channel (see paragraphs 0069 and 0072). Some of the channels may be just local channels i.e., in case of a UHF receiver for example (paragraph 0053, lines 1-10), which receives terrestrially broadcast television signals, and the others may be extended channels modulated from satellite broadcast television signals originating from satellite providers (paragraph 0103, lines 1-6)." Paragraphs 0069 and 0072 have been discussed above, and are consistent with applicants' argument that the term "source" refers to an MPEG stream that is generated and delivered throughout the house by a set-top box. Paragraph 0053, lines 1-10, refers to a UHF receiver that is part of an IPG device, and which receives signals from a **remote control device** operated by a user, and is totally unrelated to receiving broadcast television signals. Paragraph 0103, lines 1-6 refer to the fact that each IPG requests certain profile information from each user including user ZIP code, TV, cable, and satellite services to

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which the user subscribes. However this paragraph says nothing regarding any extended channels modulated from satellite broadcast television signals originating from satellite providers as asserted by the Examiner.

As discussed above, the Examiner has arbitrarily chosen portions of Knowles that are unrelated to each other, and to the present claims, to arrive at a conclusion that is not justified the teachings of Knowles. Certainly, a plain reading of the portions of Knowles cited above, both by applicant and the Examiner, would lead one skilled in the art that the term sources as used by Knowles is misinterpreted by the office action, and incorrectly applied to the present claims. In view of the above, applicants respectfully submit that Knowles does not mention or suggest passwords for accessing multiple programming providers, nor a second programming provider that delivers programming to the apparatus via a second transmission media distinct from the first transmission media as asserted in paragraphs 1 and 2 of the advisory action. As such, applicants submit that Knowles fails to disclose or suggest notable features of the present claims, and the present claims are patentable over the teachings of Knowles.

Also, for the reasons discussed in applicants filing of July 20, 2007, applicants respectfully submit that the Examiner continues to incorrectly associate the password of Knowles with a programming provider, when in fact Knowles teaches associating the password with a person.

Kim fails to cure the defect of Knowles discussed along, with respect to the independent claims, as such, Applicants submit that the pending claims are patentably distinguishable over the suggested combination of references.

Further, in contrast to the preceding limitations of independent Claims 1, 5, and 12, and as admitted by the Examiner on page 3 of the Final Office Action mailed May 15, 2007, "Knowles explicitly discloses that a data center headend receives updated program information from multiple data sources and that the **data from the various sources is merged at the data center headend in preparation to be sent to the network operators**". It is to be noted that the data center headend in Knowles is disposed at a location remote from the location of

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consumption of program information, with such data center headend being connected to a network operator headend via the Internet, and the network operator headend having a download server from which an IPG device downloads program information via a hybrid fiber-coax (see e.g., Knowles, Figure 1A and corresponding text).

As is known, hybrid fiber-coax is an industry term for a broadband network that combines optical fiber and coaxial cable, where a fiber optic node converts a downstream optically modulated signal coming from the headend/hub to an electrical signal going to the homes via a coaxial cable. The fiber optic node is not at the point of consumption, but rather is a distribution point for a plurality of coaxial cables, where each of the plurality of coaxial cables is directly connected to a particular home. Thus, the **ONLY** transmission medium at the point of consumption (e.g., a home) is coaxial cable. That is, the **ONLY** transmission medium used to **DIRECTLY** deliver the programming to the point of consumption is coaxial cable.

Each of Claims 1, 5, and 12 have been amended to recite limitations relating to directly receiving programming from multiple programming providers, where the programming from each programming provider is **directly delivered** to the point of consumption **using a respective different transmission media**. For example, Claim 1 recites, inter alia, "first programming provider that directly delivers programming to the apparatus via a first transmission media; ... a second programming provider that directly delivers programming to the apparatus via a second transmission media distinct from the first transmission media", Claim 5 recites, inter alia, "each of the multiple programming providers uses a respective different one of the different transmission media to directly deliver the programming to the integrated television system", and Claim 12 recites, inter alia, "directly receive programming from first and second programming providers via a first transmission media and a second transmission media distinct from the first transmission media, respectively".

It is not surprising that Knowles does not disclose the use of different transmission media to **DIRECTLY** deliver programming to the point of consumption since, as mentioned above, Knowles performs **merging of data from various sources** at the data center headend

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in preparation to be sent to the network operators (see, e.g., Examiner's Admission on page 3 of the Final Office Action mailed May 15, 2007).

In general, when such merging is not provided at, for example, a REMOTE headend as disclosed in Knowles, then the different programming from the multiple data sources involves the use of two separate systems at the location of consumption. For example, one system may be a cable television system and the other system may be a satellite television system, necessitating the need for two respective set top boxes. In such situations, different passwords are required for each of the systems. The present principles overcome these deficiencies of the prior art by providing a system that integrates programming (i.e., directly receives programming from different programming providers via different types of transmission media) at the location of consumption, where only password (or password set) for one of the systems is used for both systems.

Hence, Knowles is directed to a completely different hardware implementation than that to which the present principles are directed, since Knowles performs merging remotely from the point of consumption and, thus, has no need to utilize a respective different type of transmission medium for each programming provider. In contrast, the present principles provide integration at the point of consumption, thus utilizing a different hardware implementation and corresponding method than that disclosed in Knowles.

It is respectfully asserted that the remaining references do not cure the deficiencies of Knowles, and are silent with respect to the above-recited limitations of Claims 1, 5, and 12.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

Accordingly, Claims 1, 5, and 12 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

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"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 2-4 and 19 depend from independent claim 1, claims 6-11 and 20 depend from independent claim 5, and claims 13-15 and 17-18 depend from independent claim 12. Claims 2-4, 6-11, 13-15 and 17-20 have all the features and limitations found in the independent claims from which they depend. Thus, claims 2-4 and 19 are patentable for at least the same reasons as independent claim 1, claims 6-11 and 20 are patentable for at least the same reasons as independent claim 5, and claims 13-15 and 17-18 are patentable for at least the same reasons as independent claim 12.

Moreover, said dependent claims include patentable subject matter in and of themselves and are, thus, patentable distinct and non-obvious over the cited references in their own right. For example, none of the cited references, either taken singly or in a proper combination, teach or suggest the following limitations of Claim 10: "a first antenna for receiving signals from the first programming provider via the first transmission media; and, a second antenna for receiving signals from the second programming provider via the second transmission media".

Moreover, it is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest the following limitations of Claim 17: "wherein programming associated with the first programming provider is directly received via a cable connection, and programming associated with the second programming provider is directly received via an over the air transmission"

The Examiner has stated that "Knowles and Kim fail to disclose an antenna for receiving signals from the programming providers" (Final Office Action, p. 11), and relies upon Schaffner for disclosing the above-recited limitations of Claim 10. Moreover, the Examiner has relied upon paragraph [00053] of Knowles as disclosing the above-recited limitations of Claim 17.

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As set forth in MPEP 2143.01.VI:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

Here, as admitted by the Examiner, Knowles performs **merging of data from various sources at the data center headend in preparation to be sent to the network operators** (see, e.g., Examiner's Admission on page 3 of the Final Office Action mailed May 15, 2007). As noted above, the data center headend in Knowles is quite remote from the point of consumption. Hence, the use of two antenna for receiving programming via two different respective types of transmission media implies merging the data of various sources at the point of consumption, which is completely contrary to the approach disclosed by the Knowles. Hence, such combination of references would change the principle of operation of Knowles (as well as require a substantial reconstruction and redesign of the elements shown in Knowles). Hence, the combination cited against Claim 10 is improper under MPEP 2143.01.VI.

Moreover, as set forth in MPEP 2143, "To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the

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knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings”.

Here, as admitted by the Examiner, Knowles performs **merging of data from various sources at the data center headend in preparation to be sent to the network operators** (see, e.g., Examiner’s Admission on page 3 of the Final Office Action mailed May 15, 2007). Accordingly, given that such merging is performed at the data center headend, there is no need for two antennas for receiving programming via two different respective types of transmission media. Moreover, given Knowles disclosed use of a coaxial cable for directly delivering programming to a point of consumption, there is no need for any antenna, let alone two antennas for receiving programming via two different respective types of transmission media as essentially recited in Claims 10 and 17.

While the Examiner has mentioned a receiver with respect to paragraph [0053] of Knowles as disclosing the above-recited limitations of Claim 17, such receiver is for the remote control used by a user, where such receiver may be an infrared receiver or an UHF receiver. However, this receiver disclosed in paragraph [0053] of Knowles receives user commands using infrared or UHF, and does not receive programming using infrared or UHF, but rather a single coaxial cable to receive programming.

Thus, none of the cited references, either taken singly or in a proper combination, teach or suggest the above-recited limitations of Claims 10 and 17.

Further, it is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest the following limitations of Claim 20: “wherein the first password is a master password associated with a satellite transmission media and the second password is a master password associated with a terrestrial transmission media”.

In contrast, and as admitted by the Examiner (see Final Office Action, pp. 5 and 11), Knowles simply discloses a parent password (master password) and a child password, but not

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two master passwords, each of the master passwords respectively associated with a corresponding one of the two types of transmission media, as essentially recited in Claim 20.

Thus, reconsideration of the rejections is respectfully requested.

In view of the foregoing, the Applicant respectfully request that the rejection of the claims set forth in the Final Office Action of May 15, 2007 and the Advisory Action of August 22, 2007 be withdrawn, that the pending claims be allowed, and that the case proceed to early issuance of Letters Patent in due course.

Please charge Deposit Account Number 07-0832 the corresponding fee to file a RCE, and any other fees that may be due.

Respectfully submitted,

Aaron Hal Dinwiddie et al.

By:



Paul Kiel

Attorney for Applicants

Registration No.: 40,677

(609) 734-6815

Date Sept 25, 2007

Patent Operations

Thomson Licensing LLC

P.O. Box 5312

Princeton, NJ 08543-5312